

**From:** Wortman, Eric [Wortman.Eric@epa.gov]  
**Sent:** 2/24/2022 1:13:00 PM  
**To:** Montanez, Jessica [Montanez.Jessica@epa.gov]  
**CC:** Dain, Gregory [Dain.Greg@epa.gov]  
**Subject:** RE: CVOW Project - Draft Briefing Paper Attached

Of course. Here's some info.

VW1 Fact Sheet:

- See Section II.C on pages 11-12.
- See also Section II.C.1.a at top of page 13.
- We also made this statement on page 22, meaning that PTE is counted continuously after the establishment of an OCS source, and there is no starting/stopping of the PTE clock while the jack-up barge is in intermittent OCS source status.
  - *The jack-up barge and its associated emission units are included in the potential emissions calculations for the WDA facility at all times when within 25 miles of the WDA facility and are subject to the permit's recordkeeping and NNSR offset requirements. However, the jack-up vessel is only subject to the specific emissions limits during the time it is attached to the seabed and regulated as a stationary source under part 55.*

South Fork Fact Sheet:

- See Section IV.C.1 at top of page 22.

## Ex. 5 Deliberative Process (DP)

- Section 328(a)(4)(C) of the CAA further states that “[f]or purposes of this subsection, emissions from any vessel *servicing or associated with an OCS source*, including emissions while at the OCS source or en route to or from the OCS source within 25 miles of the OCS source, shall be considered direct emissions from *the OCS source*” (emphasis added). This latter sentence in the definition of OCS source draws a clear distinction between the OCS source and any vessel servicing or associated with that source. Thus, the vessel in this context is not the OCS source, and the emissions from these types of vessels are not deemed to be emissions from an OCS source if there is no longer an OCS source present. For a vessel to service or associate with an OCS source, there must be equipment, an activity, or a facility that meets the three OCS source criteria independent of such vessel and is therefore an OCS source.

## Ex. 5 Deliberative Process (DP)

At the outset, ICAS's petition for review of the OCS source definition acknowledges ICAS's main underlying concern – that emissions from the icebreaker that will pre-lay the *Discoverer's* anchors are not captured in Shell's potential to emit analysis because the activity will occur when the *Discoverer* is not an OCS source. ICAS Petition at 11-12; *see also* Clarification Order at 21-22 (explaining that the “predicate determination of when the OCS source exists” governs “which emissions from the Associated Fleet23 must be included in the air quality impacts analysis and which emissions are wholly unregulated by the OCS PSD permits”). ICAS refers to the icebreaker's emissions that will occur when it pre-lays the *Discoverer's*

anchors as “classic pre-construction emissions.” ICAS Petition at 11. However, as the Board noted in its February 2011 order that addressed motions requesting the Board to reconsider and/or clarify certain aspects of the December 2010 remand order, “no party has argued that any of the icebreaker or anchor handler emissions must be included within the air quality impacts analysis pursuant to CAA § 165(a)(3), 42 U.S.C. § 7475(a)(3), as ‘emissions from construction’ of the stationary source.” Clarification Order at 22 n.15 (citations omitted). The Board continued that it would consider the issues pertaining to the air quality impacts analysis only “as framed by the parties in this case.”<sup>24</sup> *Id.* Although ICAS does not directly assert that emissions resulting from the icebreaker pre-laying the *Discoverer’s* anchors should be included in the air quality impacts analysis as construction emissions, ICAS’s arguments with respect to the OCS source definition are all ultimately focused on obtaining specific relief – the inclusion of the icebreaker’s emissions that will occur when it pre-lays the *Discoverer’s* anchors in the air quality impacts analyses that must accompany these Permits.

---

**From:** Montanez, Jessica <Montanez.Jessica@epa.gov>  
**Sent:** Wednesday, February 23, 2022 4:25 PM  
**To:** Wortman, Eric <Wortman.Eric@epa.gov>  
**Subject:** RE: CVOW Project - Draft Briefing Paper Attached

Eric,

In deciding what to do next, can you point me to where we discuss the establishment of the source in the Vineyard Wind and South Fork Wind fact sheets? Maybe I can frame this as an FYI point and not a decision point. Just thinking out loud.

Jessica

---

**From:** Montanez, Jessica  
**Sent:** Wednesday, February 23, 2022 12:01 PM  
**To:** Wortman, Eric <Wortman.Eric@epa.gov>  
**Cc:** Howlett, Careyanne <Howlett.Careyanne@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>; Bird, Patrick <Bird.Patrick@epa.gov>; Kipka, Undine <kipka.undine@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>  
**Subject:** RE: CVOW Project - Draft Briefing Paper Attached

Eric,

Thanks for the feedback. We can change the focus of the briefing, but let me check on that.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Jessica

---

**From:** Wortman, Eric <Wortman.Eric@epa.gov>  
**Sent:** Wednesday, February 23, 2022 12:00 PM  
**To:** Montanez, Jessica <Montanez.Jessica@epa.gov>  
**Cc:** Howlett, Careyanne <Howlett.Careyanne@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>; Bird, Patrick <Bird.Patrick@epa.gov>; Kipka, Undine <kipka.undine@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>  
**Subject:** RE: CVOW Project - Draft Briefing Paper Attached

Thanks Jessica,

# Ex. 5 Deliberative Process (DP)

Eric

---

**From:** Montanez, Jessica <Montanez.Jessica@epa.gov>

**Sent:** Wednesday, February 23, 2022 7:07 AM

**To:** Bird, Patrick <Bird.Patrick@epa.gov>; Kipka, Undine <kipka.undine@epa.gov>; Wortman, Eric <Wortman.Eric@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Chan, Suilin <Chan.Suilin@epa.gov>; Petriman, Viorica <Petriman.Viorica@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Supplee, Gwendolyn <Supplee.Gwendolyn@epa.gov>; Barnes, Britlyn <Barnes.Britlyn@epa.gov>  
**Cc:** Bray, Dave <Bray.Dave@epa.gov>; Hardesty, Doug <Hardesty.Doug@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Weil, Kathleen <Weil.Kathleen@epa.gov>; Fortin, Kelly <Fortin.Kelly@epa.gov>; Zuniga, Mario <zuniga.mario@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Putney, David <putney.david@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>; Ferrando, Emily <Ferrando.Emily@epa.gov>; Colecchia, Annamaria <Colecchia.Annamaria@epa.gov>; Sareen, Neha <sareen.neha@epa.gov>; McAlpine, Jerrold <McAlpine.Jay@epa.gov>; Talley, David <Talley.David@epa.gov>; Howlett, Careyanne <Howlett.Careyanne@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>

**Subject:** RE: CVOW Project - Draft Briefing Paper Attached

The draft briefing paper for today's meeting is attached. The briefing paper still needs some work, but I think it is good for our conversation today. Feel free to start making edits (with tracked changes) to it before the meeting.

Jessica

-----Original Appointment-----

**From:** Montanez, Jessica

**Sent:** Tuesday, February 15, 2022 4:29 PM

**To:** Montanez, Jessica; Bird, Patrick; Kipka, Undine; Wortman, Eric; Dain, Gregory; Chan, Suilin; Petriman, Viorica; Froikin, Sara; Bigioni, Neil; Supplee, Gwendolyn; Barnes, Britlyn

**Cc:** Bray, Dave; Hardesty, Doug; Gallagher, Shirin; Weil, Kathleen; Fortin, Kelly; Zuniga, Mario; Hong, Jeanhee; Messing, Aaron; Triplett, Eric; Putney, David; McFadden, Kelly; Emily Ferrando; Colecchia, Annamaria; Sareen, Neha; McAlpine, Jerrold; Talley, David; Howlett, Careyanne; Curley, Michael

**Subject:** CVOW Project

**When:** Wednesday, February 23, 2022 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

To continue our discussion on the CVOW Project questions. I hope to share a more refined version of the briefing paper before this meeting.

---

## Microsoft Teams meeting

**Join on your computer or mobile app**

[Click here to join the meeting](#)

**Join with a video conferencing device**

[sip:teams@video.epa.gov](mailto:sip:teams@video.epa.gov)

Video Conference ID: **Ex. 6 Personal Privacy (PP)**

[Alternate VTC instructions](#)

**Or call in (audio only)**

**Ex. 6 Personal Privacy (PP)** United States, Raleigh

Phone Conference ID: **Ex. 6 Personal Privacy (PP)**

[Find a local number](#) | [Reset PIN](#)

For all EPA meetings, there is no expectation of privacy regarding any communications. Participation in a recorded meeting will be deemed as consent to be recorded. Information on EPA systems is the property of the Agency and may become official records.

[Learn More](#) | [Meeting options](#)

---